



**Robert W. Quinn, Jr.**  
Federal Government Affairs  
Vice President

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September 17, 2003

VIA ELECTRONIC FILING

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWB-204  
Washington, DC 20554

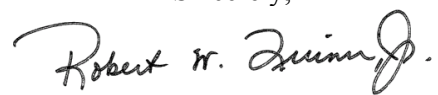
Re: Notice of Ex Parte Presentation  
In the Matter of Review of Section 251 Unbundling Obligations of Incumbent  
Local Exchange Carriers and Implementation of the Local Competition Provisions  
in the Local Telecommunications Act of 1996, CC Docket Nos. 01-338; 96-98;  
98-147

Dear Ms. Dortch,

On Tuesday September 16, I had several discussions with Dan Gonzalez, Commissioner Martin's Senior Legal Adviser, and Jessica Rosenworcel, Commissioner Copps' Legal Adviser, regarding clarification of language in the August 21, 2003 Report and Order, and Order on Remand and Further Notice of Proposed Rulemaking in the aforementioned proceeding relating to the impairment standard. Consistent with our prior advocacy, I suggested that the Commission clarify its intent to ensure that competitors are actually providing competitive voice services through the mass market or that such competition is possible before a state can find no impairment; it should consider including language such as in determining whether to count a switch provider, the states shall consider whether that switch provider provides services that are desirable only to a particular segment of the market. The identified competitive switch providers need not include switch providers that provide services that are desirable only to a particular segment of the market or that the framework allows the states to not count switch providers that provide services that are desirable only to a particular segment of the market. I also stated that the Commission should not re-define FTTH to mean FTT Curb and I stated that the Commission should make no changes whatsoever concerning the ILEC obligation to retain copper facilities for competitive access if they choose to deploy fiber.

One electronic copy of this Notice is being submitted for each of the referenced proceedings in accordance with the Commission's rules.

Sincerely,

A handwritten signature in black ink, reading "Robert W. Quinn". The signature is written in a cursive style with a large, stylized "Q" at the end.

cc: Jessica Rosenworcel  
Dan Gonzalez